UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/CONF.191/IPC/L.2
26 May 2000

Original: ENGLISH

Intergovernmental Preparatory Committee for
the Third United Nations Conference on the
Least Developed Countries
New York, 24 July 2000
Item 5 of the provisional agenda

PROVISIONAL RULES OF PROCEDURE FOR THE CONFERENCE

Draft provisional rules of procedure

GE.00-51113
00-53835

CONTENTS

Rule		Page
	I. REPRESENTATION AND CREDENTIALS	
1.	Composition of delegations	1
2.	Alternates and advisers	1
3.	Submission of credentials	1
4.	Credentials Committee	1
5.	Provisional participation in the Conference	1
	II. OFFICERS	
6.	Elections	2
7.	Term of office and replacement	2
8.	Absence of the President	2
9.	Voting rights of the President	3
	III. GENERAL COMMITTEE	
10.	Composition	3
11.	Officers	3
12.	Functions	3
	IV. SECRETARIAT	
13.	Direction of the secretariat of the Conference	4
14.	Administrative duties of the secretariat of the Conference	4
15.	Statements by the secretariat	5
	V. OPENING OF THE CONFERENCE	
16.	Temporary President	5
17.	Decisions concerning organization	5

CONTENTS (continued)

Rule		Page
	VI. CONDUCT OF BUSINESS	
18.	Quorum	6
19.	General powers of the President	6
20.	Points of order	6
21.	Speeches	7
22.	General statements	7
23.	Precedence	7
24.	Closing the list of speakers	7
25.	Right of reply	8
26.	Adjournment of debate	8
27.	Closure of debate	8
28.	Suspension or adjournment of the meeting	8
29.	Priority of motions	9
30	Basic proposals	9
31.	Other proposals and substantive amendments	9
32.	Withdrawal of proposals and motions	9
33.	Decisions on competence	10
34.	Consideration of programme budget implications	10
35.	Reconsideration of proposals	10
	VII. DECISION-MAKING	
36.	Consensus	10
37.	Voting rights	10
38.	Majority required	11
39.	Method of voting	11
40.	Explanation of vote or position	11
41.	Conduct during voting	12
42.	Division of proposals	12
43.	Amendments	12
44.	Order of voting on amendments	12
45.	Order of voting on proposals	13

CONTENTS (continued)

Rule		Page
	VII. DECISION-MAKING (continued)	
46.	Elections	13
47.	Balloting	13
	VIII. SUBSIDIARY ORGANS	
48.	Committee of the Whole	14
49.	Working Groups	14
50.	Officers	14
51.	Procedures	14
	IX. LANGUAGES	
52.	Languages of the Conference	15
53.	Interpretation	15
54.	Languages of official documents	15
	X. RECORDS AND REPORTS	
55.	Records of meetings	15
56.	Sound recordings	16
57.	Report of the Conference	16
	XI. PUBLIC AND PRIVATE MEETINGS	
58.	General principles	16
59.	Communiqués on private meetings	17

CONTENTS (continued)

Rule | Page

XII. OTHER PARTICIPANTS AND OBSERVERS

60. Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices 17
61. Representatives of the specialized and related agencies 17
62. Representatives of other intergovernmental organizations 17
63. Representatives of interested United Nations organs 18
64. Representatives of non-governmental organizations 18
65. Written statements 18

XIII. AMENDMENTS AND SUSPENSION OF THE RULES OF PROCEDURE

66. Method of amendment 18
67. Method of suspension 19
68. Other procedural matters 19

I. REPRESENTATION AND CREDENTIALS

Rule 1
Composition of delegations

Each State participating in the Conference shall be represented by a head of delegation and such alternate representatives and advisers as may be required.

Rule 2
Alternates and advisers

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Rule 3
Submission of credentials

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of UNCTAD, who is the Secretary-General of the Conference, if possible not less than two weeks before the date fixed for the opening of the Conference. Any later change in the composition of delegations shall also be submitted to the Secretary-General of the Conference. The credentials shall be issued by the Head of State or Government or by the Minister for Foreign Affairs, or by the Permanent Mission to the United Nations in Geneva or by the Embassy at the venue of the Conference upon the explicit authorization of the Head of State or Government or the Minister for Foreign Affairs.

Rule 4
Credentials Committee

A Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its most recent session. It shall examine the credentials of representatives and report to the Conference without delay.

Rule 5
Provisional participation in the Conference

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Rule 6

Elections

1. The Conference shall elect, with due regard to equitable geographical distribution:

(a) From among the representatives of participating States: a President and a Rapporteur, as well as a Chairman for the Committee of the whole provided for in rule 48;

(b) From among the delegations of participating States: 15 Vice-Presidents.

2. The President and the Rapporteur of the Conference shall not be eligible for election as Chairman of the Committee of the Whole. Nor shall the Chairman of the Committee of the Whole be eligible for election as a Vice-President of the Conference.

Rule 7

Term of office and replacement

1. Should the Conference hold more than one session, and unless the Conference decides otherwise, all officers shall serve for all sessions of the Conference.

2. If an officer resigns or ceases to be able to perform his functions or to be a representative of a participating State, the Conference shall as soon as possible elect a new officer. If the office thus vacated is that of the President, the other officers that constitute the General Committee shall select one of the Vice-Presidents to serve as Acting President until the new President has been elected.

Rule 8

Absence of the President

1. If the President is to be absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 9

Voting rights of the President

The President or a Vice-President acting as President shall not vote, but may appoint another member of his delegation to vote in his place.

III. GENERAL COMMITTEE

Rule 10

Composition

1. The officers elected pursuant to rule 6 shall constitute the General Committee (Bureau). The chairman or another designated representative of any subsidiary organ not represented on the Committee may participate in its proceedings, without the right to vote.

2. If any member of the General Committee is to be absent from one of its meetings, he may designate another member of his delegation to participate and vote in his place. The chairman of any subsidiary organ represented on the Committee may also designate a vice-chairman to participate in the proceedings of the Committee, without the right to vote.

Rule 11

Officers

The President, or in his absence one of the Vice-Presidents designated by him, shall serve as Chairman and, if necessary, the Rapporteur shall serve as Rapporteur of the General Committee.

Rule 12

Functions

In addition to performing other functions specified in these rules, the General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the co-ordination of its work.

IV. SECRETARIAT

Rule 13

Direction of the secretariat of the Conference

The Secretary-General of UNCTAD, as the Secretary-General of the Conference, shall be responsible for making all the necessary arrangements for the carrying out of the work of the Conference. For that purpose he shall appoint the Executive Secretary of the Conference and the Secretary of the Conference and he shall designate such other staff as may be required by the Conference, its committees and other subsidiary organs. [1]

Rule 14

Administrative duties of the secretariat of the Conference

The secretariat of the Conference shall, in accordance with these rules and any pertinent directives of the General Assembly:

(a) Interpret speeches made at meetings;

(b) Make and arrange for the keeping of sound recordings of meetings;

(c) Receive, translate and circulate the documents of the Conference;

(d) Report the proceedings of the Conference in appropriate journals;

(e) Publish and circulate any report of the Conference;

(f) Arrange for the custody of the documents and records of the Conference in the archives of the United Nations;

(g) Generally perform all other work that the Conference may require in connection with its proceedings.

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[1] In accordance with General Assembly resolution 53/182 of 15 December 1998.

Rule 15

Statements by the secretariat

The Secretary-General of the United Nations or the Secretary-General of the Conference, or any member of the secretariat designated by either of them for that purpose, may, subject to rule 21, make statements concerning any question under consideration.

V. OPENING OF THE CONFERENCE

Rule 16

Temporary President

At the opening of the Conference, the Secretary-General of the United Nations, the Secretary-General of the Conference, or a member of the secretariat designated by either, shall preside until the Conference has elected its President.

Rule 17

Decisions concerning organization

On the basis of recommendations submitted by the Intergovernmental Preparatory Committee and those emerging from the pre-conference consultations, the Conference shall, to the extent possible at its first meeting:

(a) Elect its officers and constitute its subsidiary organs;

(b) Adopt the rules of procedure of the Conference;

(c) Adopt its agenda, the draft of which shall, until such adoption, be the provisional agenda of the Conference;

(d) Decide on the organization of its work.

VI. CONDUCT OF BUSINESS

Rule 18

Quorum

The President may declare a meeting open and permit the debate to proceed when representatives of at least one third of the States participating in the Conference are present. The presence of representatives of a majority of such States shall be required for any decision to be taken.

Rule 19

General powers of the President

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each such meeting, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. He shall, subject to these rules, have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closing of the list of speakers, a limitation on the time allowed to speakers and on the number of times the representatives of each participant in the Conference may speak on a question, the adjournment, closure and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his functions, remains under the authority of the Conference.

Rule 20

Points of order

Subject to rule 41, a representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the question under discussion.

Rule 21

Speeches

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 20, 23 and 25 to 28, the President shall call upon speakers in the order in which they signify their desire to speak.

2. All interventions shall be confined to the question before the Conference and the President may call a speaker to order if his remarks are not relevant to the question under discussion.

3. The Conference may limit the time allowed to speakers and the number of times the representatives of each participant may speak on a question. Permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the limitations specified in rules 22 and 25 shall be observed, and the President shall limit each intervention on a procedural question to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Rule 22

General statements

1. In order to assess the number of meetings to be allocated for the qeneral debate, a list of speakers shall be opened well in advance of the date of the opening of the Conference and closed at the end of the third day of the Conference.

2. Unless the Conference decides otherwise, general statements by representatives shall be limited to 10 minutes and those of other participants to 8 minutes.

Rule 23

Precedence

The Chairman or the Vice-Chairman-cum-Rapporteur of the Committee of the Whole or a representative designated by any other subsidiary organ may be accorded precedence for the purpose of explaining the conclusions arrived at by the organ.

Rule 24

Closing the list of speakers

For the purposes of general statements, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When there are no more speakers, the

President shall, with the consent of the Conference, declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 27.

Rule 25

Right of reply

1. Notwithstanding rule 24, the President shall accord the right of reply to the delegation of any State participating in the Conference that requests it. Other delegations may be granted the opportunity to make a reply.

2. Replies made pursuant to the present rule:

(a) Shall be made at the end of the last meeting of the day, or at the conclusion of the consideration of the relevant item if that is sooner;

(b) Shall be limited to two per item for any delegation at a given meeting, the first of which is not to exceed five minutes and the second three minutes.

Rule 26

Adjournment of debate

A representative may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment, after which the motion shall, subject to rule 29, be immediately put to the vote.

Rule 27

Closure of debate

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 29, be immediately put to the vote.

Rule 28

Suspension or adjournment of the meeting

Subject to rule 41, a representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 29, be immediately put to the vote.

Rule 29

Priority of motions

The motions indicated below shall have priority in the following order over all proposals or other motions before the Conference:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Rule 30

Basic proposals

1. Any draft texts submitted to the Conference by the Preparatory Committee shall, if the Committee so recommends or the Conference so decides, constitute the basic proposals for consideration by the Conference.

2. Basic proposals shall have priority over all other proposals submitted to the Conference, unless it decides otherwise.

Rule 31

Other proposals and substantive amendments

Other proposals and substantive amendments shall normally be submitted in writing to the Conference secretariat, which shall circulate copies thereof to all delegations in the languages of the Conference. Unless the Conference decides otherwise, substantive proposals shall not be discussed or put to the vote until the day after copies thereof have been circulated to the delegations of all States participating in the Conference.

Rule 32

Withdrawal of proposals and motions

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended by decision of the Conference. A proposal or a motion thus withdrawn may be reintroduced by any representative with its original priority, provided he does so promptly and it has not been substantially changed.

Rule 33

Decisions on competence

Any motion calling for a decision on the competence of the Conference to discuss any matter or to adopt a proposal submitted to it shall be decided before the matter is discussed further or a decision is taken on the proposal in question.

Rule 34

Consideration of programme budget implications

Before the Conference takes a decision or makes a recommendation the implementation of which might have programme budget implications for the United Nations, it shall receive and consider a report from the secretariat on such implications.

Rule 35

Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

VII. DECISION-MAKING

Rule 36

Consensus

1. The Conference shall make every effort to ensure that all its substantive decisions are taken by consensus.

2. Notwithstanding any measures that may be taken in compliance with paragraph 1, a proposal before the Conference shall be voted on if a representative so requests.

Rule 37

Voting rights

Each State participating in the Conference shall have one vote.

Rule 38

Majority required

1. Unless the Conference decides otherwise, and subject to paragraph 1 of rule 36, decisions on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.

2. Unless the Conference decides otherwise, and except as otherwise provided in these rules, decisions on all matters of procedure shall be taken by a simple majority of the representatives present and voting.

3. If the question arises whether a matter is one of procedure or of substance, it shall be decided by the Conference by a majority of the representatives present and voting.

4. If a vote is equally divided on a decision requiring a simple majority, the proposal or motion shall be regarded as rejected.

5. For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Rule 39

Method of voting

1. Except as provided in rule 46, the Conference shall normally vote by show of hands, but any representative may request a roll-call, which shall then be taken in the English or French alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each such State shall be called in all roll-calls, and its representative shall reply "yes", "no" or "abstention".

2. The vote of each State participating in a roll-call shall be inserted in any record of or report on the meeting.

Rule 40

Explanation of vote or position

1. Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representatives of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

2. When the same matter is considered successively in several organs of the Conference, the representatives of a State should, as far as possible, explain the votes of their delegation only in one such organ, unless those votes differ.

3. Similarly, explanatory statements of position may be made in connection with a decision taken without a vote.

Rule 41

Conduct during voting

After the President has announced the commencement of a vote, the voting shall not be interrupted until the result has been announced, except on a point of order in connection with the process of voting.

Rule 42

Division of proposals

A representative may move that parts of a proposal be voted on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 43

Amendments

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Rule 44

Order of voting on amendments

1. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another

amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

2. When the Conference decides, in accordance with rule 42, to consider an extensive text in convenient portions (such as paragraphs or articles), each of these shall be treated as a separate proposal for the purpose of paragraph 1.

Rule 45

Order of voting on proposals

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

2. Revised proposals shall be voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case, the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.

3. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 46

Elections

1. All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot on an agreed candidate or slate of candidates.

2. When candidates are to be nominated, each nomination shall be made by only one representative, after which the Conference shall immediately proceed to the election.

Rule 47

Balloting

1. When one or more elective places are to be filled at one time under the same conditions, each delegation entitled to vote may cast a vote for as many candidates as there are places to be filled, and those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes shall be elected.

2. If the number of candidates so elected is less than the number of places to be filled, additional ballots shall be held to fill the remaining places. From such ballots the candidates obtaining the least number of votes in the previous ballot may be eliminated on the proposal of the President.

VIII. SUBSIDIARY ORGANS

Rule 48

Committee of the Whole

The Conference shall establish a Committee of the Whole on which each State participating in the Conference may be represented.

Rule 49

Working groups

The Conference and the Committee of the Whole may establish working groups. In the establishment of working groups, account shall be taken of the availability of conference-servicing facilities.

Rule 50

Officers

1. The Committee of the Whole shall, unless it decides otherwise, elect a Vice-Chairman.

2. Each other subsidiary organ shall elect such officers as it considers necessary.

Rule 51

Procedures

The rules relating to officers (rules 6 to 9), the secretariat of the Conference (rules 13 to 15), the conduct of business of the Conference (rules 18 to 35), decision-making (rules 36 to 47) and other participants and observers (rules 60 to 66) shall be applicable, *mutatis mutandis*, to the proceedings of subsidiary bodies, except as these may otherwise provide and except that:

(a) The chairmen of subsidiary organs other than the Committee of the Whole may exercise the right to vote;

(b) The Chairman of the Committee of the Whole may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the Conference are present, and the Chairman of any subsidiary organ of limited membership may do so when representatives of a majority of its members are present;

(c) Decisions of the Committee of the Whole and working groups shall be taken by a majority of the representatives present and voting, but the reconsideration of a proposal shall require the majority established by rule 35.

IX. LANGUAGES

Rule 52

Languages of the Conference

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Rule 53

Interpretation

1. Speeches made in a language of the Conference shall be interpreted into the other such languages, unless such interpretation has not been requested by the representative of any State participating in the Conference.

2. A representative may speak in a language other than a language of the Conference if the delegation concerned provides for interpretation into one such language. Interpretation into the other languages of the Conference by interpreters of the secretariat may be based on the interpretation given in the first such language.

Rule 54

Languages of official documents

Official documents shall be made available in the languages of the Conference.

X. RECORDS AND REPORTS

Rule 55

Records of meetings

1. There shall be neither verbatim nor summary records of meetings.

2. Statements made at the Conference shall not be reproduced *in extenso* either as separate documents or as an integral part of or attached to any report of a subsidiary organ or of the Conference unless, in exceptional cases, they are of a technical nature and served or are to serve as bases for discussion and a decision to reproduce them has been taken by the Conference or the organ concerned.

Rule 56

Sound recordings

Sound recordings of plenary meetings of the Conference and of meetings of the Main Committees and the General Committee shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the organ that established a working group, no such recordings shall be made of the meetings of the latter.

Rule 57

Report of the Conference

1. Unless the Conference decides otherwise, it shall issue a report on the interactive debates in the plenary and in the Committee of the Whole of the Conference, subject to the provisions of rule 55, paragraph 2.

2. Unless the Conference decides otherwise, the draft of a report shall be prepared and submitted to the Conference by the Rapporteur, who may be assisted by "friends" designated by each regional group the members of which are participating in the Conference. Unless the Conference decides otherwise, the Rapporteur, in consultation with his "friends", may authorize corrections to and editorial changes in the report adopted by the Conference.

XI. PUBLIC AND PRIVATE MEETINGS

Rule 58

General principles

1. The plenary meetings of the Conference and the meetings of the Committees of the Whole and the venue of the general statements and the venue of parallel events shall be public unless the organ concerned decides otherwise.

2. Meetings of other organs of the Conference shall be private unless the Conference or the organ concerned decides otherwise.

Rule 59

Communiqués on private meetings

At the close of a private meeting, the Conference or the Committee of the Whole concerned may issue a communiqué to the press through the secretariat of the Conference.

XII. OTHER PARTICIPANTS AND OBSERVERS

Rule 60

Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under its auspices have the right to participate as observers, without the right to vote, in the deliberations of the Conference, its Committee of the Whole and, as appropriate, any working group.

Rule 61

Representatives of the specialized and related agencies [2]

Representatives designated by the specialized and related agencies may participate as observers, without the right to vote, in the deliberations of the Conference, its Committee of the Whole and, as appropriate, any working group on questions within the scope of their activities.

Rule 62

Representatives of other intergovernmental organizations

Representatives designated by other intergovernmental organizations invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference, its Committee of the Whole and, as appropriate, any working group on questions within the scope of their activities.

Rule 63

Representatives of interested United Nations organs

Representatives designated by interested organs of the United Nations may participate as observers, without the right to vote, in the deliberations of the Conference, its Committee of the Whole and, as appropriate, any working group on questions within the scope of their activities.

Rule 64

Representatives of non-governmental organizations

1. Non-governmental organizations invited to the Conference may designate representatives to sit as observers at public meetings of the Conference and its Committee of the Whole.

2. Upon the invitation of the presiding officer of the Conference body concerned and subject to the approval of that body, such observers may make oral statements on questions in which they have special competence.

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[2] Organizations that have a relationship agreement or an established relationship with the United Nations, such as the International Atomic Energy Agency, the World Tourism Organization and the World Trade Organization.

Rule 65

Written statements

Written statements submitted by the designated representatives referred to in rules 60 to 64 shall be distributed by the secretariat to all delegations in the quantities and in the languages in which the statements are made available to the secretariat for distribution, provided that a statement submitted on behalf of a non-governmental organization is on a subject in which the organization has a special competence and is related to the work of the Conference.

XIII. AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE

Rule 66

Method of amendment

These rules of procedure may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting, after the General Committee has reported on the proposed amendment.

Rule 67

Method of suspension

Any of these rules may be suspended by the Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

Rule 68

Other procedural matters

Any procedural matter not covered by these rules shall be settled in accordance with the rules and practices of the General Assembly.